

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHARLENE MORRIS and RAMON SOTO,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

PIM BRANDS, INC.,

Defendant.

Case No.: 1:25-cv-00405

Hon. Andrea R. Wood

Magistrate Judge Jeannice W. Appenteng

**DECLARATION OF SEAN H. SUBER IN SUPPORT OF DEFENDANT
PIM BRANDS, INC.'S MOTION FOR COSTS AND FEES UNDER RULE 41(d),
AND TO STAY PROCEEDINGS OR DISMISS CASE, IF NECESSARY**

I, Sean H. Suber, declare as follows:

1. I am a partner at the law firm Winston & Strawn LLP and am counsel of record for Defendant in the above-captioned action. I am a member in good standing of the bars of Illinois and Maryland; the United States District Courts for the Eastern District of Michigan and the Northern and Central Districts of Illinois; and the United States Courts of Appeals for the Second Circuit, Third Circuit, Fifth Circuit, Sixth Circuit, Seventh Circuit, Eighth Circuit, Ninth Circuit, Eleventh Circuit, and Federal Circuit. Except as otherwise noted, I have personal knowledge of the facts stated herein, and, if called as a witness, I could and would competently testify thereto.

2. Attached as **Exhibit A** to this Declaration is a true and correct copy of an email exchange between Catherine Friesen and Jeff Carton—counsel who represented Plaintiff Charlene Morris in *Morris v. Welch Foods Inc.*, No. 6:24-cv-6385 (W.D.N.Y.) and who represents Ms. Morris in the above-captioned action—and myself beginning October 16, 2024 and ending October 18, 2024. The subject line of the email chain is “Morris v. PIM.” In the original email,

Ms. Friesen states, “Hi Sean – Can you let me know if you have time for a short call on Thursday or Friday? I can make anything work except Thursday 1-3 (EST).” On this call, Ms. Friesen requested consent for Plaintiff Morris to amend her operative complaint. The parties continue to discuss this request in subsequent emails. The email chain ends with an exchange between the parties that took place on October 18, 2024. In the final email from counsel for Plaintiff Morris, Mr. Carton states, among other things, “My office will be writing to the Court on Monday asking for more time in which to file an amended complaint to address certain matters raised in your current MTD. We’ll state that you do not oppose our request to file an amended pleading, but reserve all of your client’s rights to challenge the sufficiency of the new pleading.” I responded to this email shortly after: “Just make your request without characterizing our position. We will respond. Thanks.”

I declare under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct. Executed on March 12, 2025, in Chicago, Illinois.

Dated: March 12, 2025

/s/ Sean H. Suber

Sean H. Suber